

The CASE of

*The Right Honourable William Lord Viscount
Grimston, and Joshua Lomax Esquire,*

Petitioners ;

AGAINST

*William Clayton and William Gore Esquires,
Sitting Members.*

S *T. ALBANS* is an ancient Borough, and by Prescription hath right to send two Burgesses to Parliament, and did send two Burgesses to Parliament two hundred Years and upwards before the first Charter of Incorporation ; and all that time the Election was made by the Inhabitants of the Borough only.

The Bounds and Limits of the said Borough were fixed by Letters-Patent of *Ed.* A. D. 1327 *ward III.* bearing date 14 April, Anno 1^o, which are the same to this Day ; and he thereby grants for himself and Successors, *That all the good Men inhabiting in the said Bounds and Borough should be for ever holden for Burgesses, and out of themselves should elect two Burgesses to go to Parliament.*

Edward VI. by Letters-Patent 7^o of his Reign, made the first Corporation of the *A. D. 1553* Borough by the Name of a Mayor and ten Capital Burgesses, and thereby declar'd, that no Person inhabiting within the Borough, that did not *exercise some Art, Occupation, or Victualling*, should be accounted or taken for a Burgess, but in all respects be deem'd a Foreigner ; and gave Power to the said Mayor and ten Capital Burgesses, and their Successors, to make By-Laws for the better Government of the said Borough, not repugnant to the Laws of the Kingdom : And they accordingly made several By-Laws, which were duly ratified and approv'd Nov. 5. 1663.

Amongst which are the following By-Laws, *viz.*

That no Stranger inhabiting out of this Borough, shall be made free of this Borough, to make recourse to and from the said Borough, so long as he shall be non-resident.

That every Freeman in the Borough shall have a right to make his eldest Son free, born after his Admission.

That no Apprentice can be made free, but by serving, *bona fide*, seven Years in the Corporation to a Freeman.

That a necessary useful Man requesting his Freedom, and the Mayor and Capital Burgesses judging him to be so, may make him free, paying at least five Pounds for the same.

Since which Charter and Constitutions, for 130 Years and upwards, no Foreigner hath ever been admitted a Freeman, or allow'd to vote for Burgesses to Parliament.

By the Charter of King *Char. II.* bearing date 27 June, Anno 16^o, the Borough is *A. D. 1664* incorporated by the Name of a Mayor and twelve Aldermen, and all the former Privileges,

vileges, Customs, Usages, and Prescriptions are in the most express Words confirm'd to the Inhabitants with a like Power of making By-Laws.

The Mayor and Aldermen upon this Charter made Constitutions or By-Laws, which bear Date 4 July, 19 Car. II. and duly ratify'd; wherein it is again ordain'd,

That no Stranger from henceforth inhabiting out of this Borough, shall be made free of this Borough.

By all the Court-Books belonging to the said Borough, and Entrys of Freemen of the Borough from *Philip* and *Mary* to *James II.* it appears none besides Tradesmen resident in the Borough were admitted Freemen.

In the Year 1684-5, when the said Charters were surrender'd, and a new one was granted by the late King *James II.* the Inhabitants were disfranchiz'd, and at an Election March 31. 1685. none were suffer'd to vote but such as were made free by King *James's* Charter, who were mostly Foreigners, and made free two or three Days only before that Election: but at the Revolution the said Charter, with the non-resident Freemen *vanish'd*; and the Borough acts by the old Charters and Constitutions ever since.

Notwithstanding such Care taken to preserve the Borough from being over-run with Foreigners, great numbers of Persons living remote from the Borough, in order to vote at Elections have lately been made free. At first they were very sparingly admitted; but in the Years 1704. and 1705. between 50 and 60 being made free by the Procurement of Mr. *Gape*, to vote for him at his Election, Complaint was made thereof in Parliament, and after a long, full, and impartial hearing of the Matter, the House came to the following Resolution, upon the Report of Mr. *Compton*, the present Speaker.

RESOLV'D,

“ That the Right of electing Burgesses to serve in Parliament for the Borough of
“ *St. Albans* in the County of *Hertford*, is in the Mayor, Aldermen, and such Free-
“ men *only* as have a Right to Freedom by Birth, or Service, or have it by Redemp-
“ tion, in order to trade or inhabit within the said Borough, and in the Housholders
“ paying Scot and Lot.”

Note. The Sitting Members have reported they have a Majority according to the said Resolution; and therefore 'tis suppos'd they will not refuse to put it upon that Issue, to which the Petitioners are ready to agree.

In the last Parliament of the late Queen *Anne*, 24 April 1714. upon the Petition of *John Gape* Esq; (for whose Service the non-resident Freemen were made) a Resolution was obtain'd, that the Right of Election was in the Freemen, and the Inhabitants paying Scot and Lot.

Since which the Mayor and Aldermen of this Borough have been admitting Foreigners in great numbers, declaring at the times of such making them, they did not make them to trade in the Town, but only to vote at Elections; and there hath been no contested Election since 1714. whereby the Inhabitants could apply before for redress.

At the last Election, *William Carr* being Mayor, the Inhabitants apprehended themselves very secure from any further Encroachment by the Accession of new non-resident Freemen, forasmuch as he had early declar'd before great numbers his *Abhorrence* of any such Practice, adding, as he had sworn to maintain the Rights of the Borough, he would die with a fair Character; that he that made an honorary or foreign Freeman, to vote, ought to be *hanged*. Notwithstanding which, a few Days before the Election he was prevail'd upon to hold a Court (without giving a Day's notice, as by the Constitutions he was oblig'd to) when Expresses were sent to several Towns and Counties, giving notice that if any Persons were inclin'd to vote for the now sitting Members, and would repair to the Town-Hall of the Borough, they should be made free *gratis*. A Collection being made out of the Counties of *Hertford*, *Bedford*, *Bucks*, *Middlesex*, *Surry*, *Berks*, *Oxon*, and *Northampton*, to the number of about 200; they were made free, and most of them came and were admitted to poll for the sitting Members.

About ten Days before the Election, several of the Inhabitants, accompany'd by Lord *Grimston*, went to the said Mayor, and put him in mind of his Oath and Promise; but his Answer was, *I know* what I have done is *wrong* and *unjust*; I am really *sorry* for it, and *ashamed* of it: nevertheless *I must go on* to make Foreigners Freemen, and poll them, *being under the Command* of a great Lady to do it. I am in hopes



hopes there will be a *Tory Parliament* that will bear me out ; and she has promis'd to defend me, and bring me off if I am called to account ; the Aldermen of the Borough declaring now was their time, and they would make 1000 honorary Freemen, but carry their Point : And Mr. *Gape* publickly said the Inhabitants should never more have it in their Power to elect Burgeses to Parliament ; or Words to that Effect.

Freedoms were deny'd at the Mayor's Court to such as would not vote, and granted to such as would vote for the sitting Members, tho their Pretensions were exactly the same. And Persons were admitted and enter'd in their Court-Books as being made free by their Fathers Copy, and by Redemption, or Service, when there was not the least Pretension for such Claims.

At the Election the Mayor was in all things guided by the Town-Clerk (who by the Mayor's Permission ruled the Poll.) And when Objections were made by the Petitioners against the polling divers Paupers, and Persons who were neither Freemen nor Inhabitants, the Town-Clerk caused such Persons to be enter'd for the sitting Members, the Mayor suffering him so to do ; and in general, an uninterrupted Course of arbitrary, partial and insolent *Acts* appear'd at this Election by the Mayor and Town-Clerk.

Upon the whole it will appear that the Petitioners are elected by a great and clear Majority of lawful Pollers.

As to the MERITS of the Election,

THE Petitioners will first prove the Allegations of their Petition and Case relating to the Behaviour of the Mayor, and Aldermen ; and then will produce a Copy of the Poll, the Numbers of which are as followeth ;

Lord <i>Grimston</i> ————— 3252	William <i>Clayton</i> Esq; ——— 461
<i>Joshua Lomax</i> Esq; ——— 2585	William <i>Gore</i> Esq; ——— 461

After which they will disqualify four Lists of false Pollers.

The first List is of Foreigners, ~~honorary Freemen admitted &c.~~ who polled at this Election ; the number of which is for Mr. *Clayton* 192, and Mr. *Gore* 190.

The second List consists of honorary Freemen falsly enter'd in the Court-Books as admitted by Copy or Indenture, the Number of which is for Mr. *Gore* 24, for Mr. *Clayton* 23.

The third List consists of Persons neither Freemen nor Inhabitants, the number of which is for Mr. *Clayton* 9, for Mr. *Gore* 9.

The fourth List is of Paupers receiving Alms and Parish-Charity, the Number of which for Mr. *Clayton* 22, for Mr. *Gore* 22.

So that deducting 246 from the sitting Members, they will have only 216 left, which were all the legal Votes they had.

The Petitioners had 325, and 258 ; so that Lord *Grimston* hath a Majority of 109, and Mr. *Lomax* of 42.

As to the MERITS of the Election

It is the duty of the Court to enquire into the merits of the Election, and to determine whether the Petitioners have proved the Allegations of their Petition and Case relating to the Behaviour of the Mayor, and Aldermen; and then will produce a Copy of the Bill, the Numbers of which are as followeth;

Lord Grosvenor ———— 327
 John Lubbock Esq. ———— 328
 William Gore Esq. ———— 329
 William Gore Esq. ———— 330

After which they will dispense the Bill of the Petitioners.

The CASE of

The Right Hon. William

Lord Viscount Grimston,

and Joshua Lomax Esq;

Petitioners;

AGAINST

William Clayton and Wil-

liam Gore Esquires,

Sitting Members.



N. B. Mr. Clayton is a Petitioner for
 New Woodstock, upon the Foot of illegal
 Freemen admitted and polled against him
 by the Mayor of that Borough.

1. Scott & Co.
2. Legal Person in Name
3. David Hume
4. Attorney

of the Grosvenor Estate in the City of London
 Mr. John Hume Esq.
 of the Grosvenor Estate in the City of London

Mr. William Hume

of the Grosvenor Estate in the City of London

